

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION

JS-6

CIVIL MINUTES - GENERAL

Case No.: SA CV 08-0690 AHS (RZx) Date: September 2, 2008

Title: Donald D. Fedderson, et al. v. Certainteed Corporation, et al.

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PRESENT: HON. ALICEMARIE H. STOTLER, CHIEF U.S. DISTRICT JUDGE

Ellen Matheson  
Deputy Clerk

Not Present  
Court Reporter

ATTORNEYS PRESENT: None

PROCEEDINGS: (IN CHAMBERS) ORDER SUBMITTING AND GRANTING PLAINTIFFS' MOTION TO REMAND AND DENYING PLAINTIFFS' MOTION TO AMEND THE COMPLAINT AS MOOT

**I. Procedural History**

Plaintiffs filed their Complaint in the Los Angeles Superior Court on May 20, 2008. On June 20, 2008, the action was removed to the Central District of California. On July 29, 2008, plaintiffs filed a Motion for Leave to Amend the Complaint ("Motion to Amend"). On August 7, 2008, plaintiffs filed a Motion to Remand. These matters are set for hearing on the Court's September 8, 2008 calendar.

**II. Order Submitting the Motions**

The Court finds the above matters appropriate for submission on the papers without oral argument. See Local Rule 7-15 (stating that the Court may dispense with oral argument on any matter unless otherwise required); Fed. R. Civ. P. 78. The matters are, therefore, removed from the Court's September 8, 2008 calendar.

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**III. Order Granting the Motion to Remand and Denying the Motion to Amend as Moot**

Under Local Rule 7-9, defendants were required to file opposing papers for the instant motions not later than fourteen days prior to the date designated for hearing. Defendants failed to do so. Under Local Rule 7-12, a party's failure to timely file required opposition to a motion may be deemed consent to the granting of that motion.

**IV. Conclusion**

In light of the foregoing, the Court grants the Motion to Remand. This action is ordered remanded to the **Los Angeles County Superior Court, Complaint No. BC391208**. Having remanded the Complaint, the Motion to Amend is denied as moot.

The Clerk shall serve this minute order on all parties in this action and provide a copy to the Clerk of the Los Angeles County Superior Court for filing in Case No. BC391208.

## NOTICE PARTY SERVICE LIST

LASC #BC391208

## Case Title

## Title of Document

ADR
BAP (Bankruptcy Appellate Panel)
Beck, Michael J (Clerk, MDL Panel)
BOP (Bureau of Prisons)
CA St Pub Defender (Calif. State PD)
CAAG (California Attorney General's Office - Keith H. Borjon, L.A. Death Penalty Coordinator)
Case Asgmt Admin (Case Assignment Administrator)
Catterson, Cathy (9 <sup>th</sup> Circuit Court of Appeal)
Chief Deputy Admin
Chief Deputy Ops
Clerk of Court
Death Penalty H/C (Law Clerks)
Dep In Chg E Div
Dep In Chg So Div
Federal Public Defender
Fiscal Section
Intake Section, Criminal LA
Intake Section, Criminal SA
Intake Supervisor, Civil
PIA Clerk - Los Angeles (PIALA)
PIA Clerk - Riverside (PIAED)
PIA Clerk - Santa Ana (PIASA)
PSA - Los Angeles (PSALA)
PSA - Riverside (PSAED)
PSA - Santa Ana (PSASA)
Schnack, Randall (CJA Supervising Attorney)
Statistics Clerk

	US Attorneys Office - Civil Division -L.A.
	US Attorneys Office - Civil Division - S.A.
	US Attorneys Office - Criminal Division -L.A.
	US Attorneys Office - Criminal Division -S.A.
	US Bankruptcy Court
	US Marshal Service - Los Angeles (USMLA)
	US Marshal Service - Riverside (USMED)
	US Marshal Service -Santa Ana (USMSA)
	US Probation Office (USPO)
	US Trustee's Office
	Warden, San Quentin State Prison, CA

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**JUDGE / MAGISTRATE JUDGE (list below):**

## **Initials of Deputy Clerk**